

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

BRANDON BLAKE NEELEY

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CASE NUMBER 6:21-CR-00024-JDK

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On June 27, 2024, the court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Brandon Blake Neeley. The government was represented by Dustin Farahnak, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk, Federal Public Defender.

Defendant originally pled guilty to the offense of Tampering with a Consumer Product, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 22 and a criminal history category of I, was 41 to 50 months. On February 17, 2022, U.S. District Judge Jeremy Kernodle of the Eastern District of Texas sentenced Defendant to 18 months in prison due to a binding plea agreement for a variance accepted by the court, followed by 3 years of supervised release subject to the standard conditions of supervised release, plus special conditions to include financial disclosure, no new lines of credit, mental health counseling, acquire a high school equivalency certificate, and pay a special assessment and restitution. On March 2, 2022, Defendant completed his period of imprisonment and began service of the supervision term.

Under the terms of supervised release, Defendant was required upon release from prison to reside in a residential reentry center for a period of 180 days and to abide by the rules and regulations of the residential reentry center. In its petition, the government alleges that Defendant violated his conditions of supervised release on June 18, 2024, when Defendant was unsuccessfully discharged from the County Rehabilitation Center in Tyler, Texas.

If the court finds by preponderance of the evidence that Defendant violated the conditions of supervised release referenced above, Defendant will have committed a Grade C violation. *See* U.S.S.G. § 7B1.1(a). Upon finding of a Grade C violation, the court may (A) revoke supervised release or (B) extend the term of supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade C violation is 3 to 9 months. *See* U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to the Grade C violation of the conditions of supervision referenced above. In exchange, the government recommended to the court a sentence of 5 months with no supervised release to follow.

The court therefore **RECOMMENDS** that Defendant Brandon Blake Neeley's plea of true be accepted, and that he be sentenced to a term of imprisonment of 5 months with no supervised release to follow. The court further **RECOMMENDS** that Defendant serve his sentence at FCI Seagoville, Texas, if available. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

So ORDERED and SIGNED this 28th day of June, 2024.